

## AMENDMENTS

Please amend claims 1, 11, 14 and 23 and add claims 27-31 as shown below.

### **CLAIMS:**

What is claimed is:

1. (Currently Amended) A container for holding a plurality of items for use by a consumer, said container comprising:

a food product;

a promotional item wherein said promotional item is not comprised of food;

a receptacle for holding said food product, said receptacle having a first end and a second end; and

- a removable cap placed over said first end of said receptacle, wherein said removable cap is adapted for holding said promotional item inside said container and separate from said food product while allowing said removable cap to be joined together with said first end of said receptacle, and wherein said container is shaped such that it is portable.

2. (Previously Presented) The container of claim 1 further comprising a removable seal attached to said first end of said receptacle for sealing said food product in said receptacle and keeping said promotional item separate from said food product.

3. (Canceled)

4. (Previously Presented) The container of claim 1 wherein said promotional item is chosen from the group consisting of a prize, a toy, a coupon, a ball, a contest item, and a collectible.

5. (Original) The container of claim 4 further comprising an outer layer wrapped over said receptacle and said cap.
6. (Original) The container of claim 5 wherein said outer layer comprises a graphics carrier.
7. (Original) The container of claim 5 wherein said receptacle and said outer layer provide complimentary oxygen and moisture barrier properties.
8. (Previously Presented) The container of claim 1 wherein said cap is seatable on said first end of said receptacle such that said cap is usable as a bowl for holding said food product during consumption.
9. (Original) The container of claim 1 wherein said container comprises a generally cylindrical shape such that said container will fit in a cup holder.
10. (Original) The container of claim 1 wherein said receptacle comprises a shape that provides a hand grip for a consumer using said container.
11. (Currently Amended) The container of claim 1 wherein said cap comprises a collar on an open end of said cap to facilitate stacking and unstacking of a plurality of caps.

12. (Original) The container of claim 1 wherein said cap comprises a lip protruding inward from an outside edge of said cap for engaging a groove on said first end of said receptacle such that said cap and said receptacle are held together securely.

13. (Previously Presented) The container of claim 1 wherein said removable cap comprises a transparent material to allow said promotional item to be seen through said removable cap.

14. (Currently Amended) A consumables container for separately holding a food product and a promotional item, said consumables container comprising:

a food product;

a promotional item wherein said promotional item is not comprised of food;

a receptacle for holding said food product, said receptacle having a first end defining an opening into said container;

a removable seal covering said opening for sealing said food product in said receptacle and separating said promotional item from said food product; and

a removable cap for holding said promotional item inside said container separate from said food product, wherein said removable cap is placed over said first end of said receptacle to close said container.

15. (Original) The container of claim 14 wherein said removable cap seats in said opening of said first end when inverted from a closed position over said opening, thus acting as a cup and sealing said first end.

16. (Original) The container of claim 14 wherein said promotional item is chosen from the group consisting of a prize, a toy, a coupon, a ball, a contest item, and a collectible.

17. (Original) The container of claim 14 further comprising an outer layer wrapped over said receptacle and said cap.

18. (Original) The container of claim 14 wherein said outer layer comprises a graphics carrier.
19. (Original) The container of claim 14 wherein said receptacle and said outer layer provide complimentary oxygen and moisture barrier properties.
20. (Previously Presented) The container of claim 14 wherein said cap is seatable on said first end of said receptacle such that said cap is usable as a bowl for holding said food product during consumption.
21. (Original) The container of claim 14 wherein said container comprises a generally cylindrical shape such that said container will fit in a cup holder.
22. (Original) The container of claim 14 wherein said receptacle comprises a shape that provides a hand grip for a consumer using said container.
23. (Currently Amended) The container of claim 14 wherein said cap comprises a collar on an open end of said cap to facilitate automatic stacking and unstacking of a plurality of said caps.
24. (Original) The container of claim 14 wherein said cap comprises a lip protruding inward from an outside edge of said cap for engaging a groove on said first end of said receptacle such that said cap and said receptacle are held together securely.

25. (Original) The container of claim 14 wherein said removable cap comprises a transparent material to allow said promotional item to be seen through said removable cap.

26. (Previously Presented) The container of claim 14 further comprising a promotional item removably attached to a second end of said receptacle.

27. (New) A portable and ergonomically shaped container for holding a solid food product for consumption by a consumer while simultaneously holding a promotional item separate from said food product wherein said promotional item is not comprised of food and wherein insertion of said promotional item into said container does not change a volume of said solid food product that can be held by said container, said container comprising:

a receptacle for holding said solid food product, said receptacle having a first end defining an opening into said receptacle and a second end forming a base for said container, wherein said first end and said second end are connected by a sidewall shaped such that said receptacle can be comfortably gripped by said consumer in one hand;

a removable seal attached to said first end for sealing said opening and for keeping said promotional item separated from said solid food product such that said solid food product cannot be contaminated by said promotional item; and

a resealable cap for closing said first end of said receptacle and for holding said promotional item, wherein said resealable cap is shaped for holding said promotional item inside said resealable cap while mating with said first end of said receptacle to close said container.

28. (New) The container of claim 27 wherein said receptacle has a curved, generally cylindrical shape for providing a hand grip for said consumer.

29. (New) The container of claim 28 wherein said curved, generally cylindrical shape is such that said receptacle fits both large and small hands comfortably.

30. (New) The container of claim 27 wherein said resealable cap is comprised of a lip that protrudes in an inward direction away from an inner wall of said cap and wherein said receptacle is comprised of a groove in a mating surface of said first end for receiving said lip such that when said resealable cap is placed on said first end of said receptacle, said lip engages said  
5 groove to hold said resealable cap securely on said receptacle to help prevent said container from being inadvertently opened.

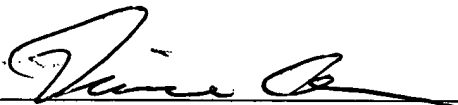
31. (New) The container of claim 30 wherein said resealable cap and said receptacle are comprised of a polypropylene that allows said lip to stretch and said receptacle to compress while said resealable cap is snapped onto said receptacle.



If there are any outstanding issues, which the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Vincent J. Allen at 972-367-2001.

Respectfully submitted,

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